

5662 Adulteration and misbranding of vanilla extract. U. S. * * * v. N. H. Shearer & Co., a corporation. Plea of non vult. Fine, \$5. (F. & D. No. 7587. I. S. No. 1751-1.)

On March 12, 1917, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against N. H. Shearer & Co., a corporation doing business at York, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 14, 1916, from the State of Pennsylvania into the State of West Virginia, of a quantity of an article labeled in part, "Pure Extract Vanilla Bean manufactured by Dr. N. H. Shearer & Co., York, Penna.," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)-----	29.5
Total ash (per cent)-----	0.12
Water insoluble ash (per cent)-----	0.02
Water soluble ash (per cent)-----	0.10
Reducing sugar before inversion (per cent)-----	0.95
Reducing sugar after inversion (per cent)-----	18.53
Sucrose, copper reduction (per cent)-----	16.70
Coumarin: None.	
Vanillin (per cent)-----	0.32
Normal lead number-----	0.16
Resins: None.	
Color insoluble in amyl alcohol (Marsh reagent) (per cent)-	66.5

The product consists of a mixture of pure vanilla extract and a solution of alcohol, water, sugar, coloring matter, and vanillin.

Adulteration of the article was alleged in the information for the reason that an imitation product composed in part of alcohol, water, sugar, coloring matter, and vanillin, and containing no appreciable amount of extract of vanilla bean, had been substituted in whole for pure extract of vanilla bean, which the article purported to be.

Misbranding of the article was alleged in substance for the reason that the statement regarding the article and the ingredients and substances contained therein appearing on the label, to wit, "Pure Extract Vanilla Bean," was false and misleading in that it represented that the article was pure extract vanilla bean; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure extract vanilla bean, whereas, in truth and in fact, it was not, but was an imitation product composed in part of alcohol, water, sugar, coloring matter, and vanillin, and contained no appreciable amount of extract vanilla bean; and for the further reason that it was an imitation product, composed as aforesaid, and was offered for sale under the distinctive name of another article, to wit, pure extract vanilla bean.

On March 12, 1917, the defendant company entered a plea of non vult to the information, and the court imposed a fine of \$5.

C. F. MARVIN, Acting Secretary of Agriculture.